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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,588	12/31/2003	Thomas Jay Wells		2130

7590 07/06/2005  
Thomas Jay Wells  
5036 North Albany Avenue  
Chicago, IL 60625

EXAMINER

NGUYEN, VINCENT Q

ART UNIT PAPER NUMBER

2858

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

62

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/750,588	WELLS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vincent Q. Nguyen	2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 5, 7, 8, drawn to voltmeter, classified in class 324, subclass 72.
  - II. Claim 6, drawn to voltage amplifying circuit, classified in class 324, subclass 123R.
2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because all the limitations such as informing anglers of fish feeding is not found in Group I. The subcombination has separate utility such as Informing anglers of fish feeding could be used in any antenna or radar detector.
3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action, claim 6 is withdrawn from further consideration. The Election/Restriction requirement is thus made FINAL.

***Objection***

4. Claim 8, line 1, between tube and voltage, a comma should be inserted. For the purpose of examination, examiner assumes that a comma is inserted in between.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Horle (1,622,786).

Regarding claim 5, Horle discloses a device comprising (figure 1) a vacuum tube (1) operated at substantially reduced cathode temperature and electron emission (Vacuum tube operated at substantially reduced cathode temperature and electron emission is true not only the prior art of Horle but also true for any prior art of vacuum tube since it is the fundamental of the vacuum tube) whereby voltages are measured (By meter 13) in real time using only the naturally occurring voltage and conductivity present (The voltages are measured by meter 13 is in real time because the voltage to be measured is applied to condensers 8 and 9 and being measured on meter 13, and only naturally occurring voltage and conductivity present since every voltage to be measured is natural occurring voltage).

Regarding claim 7, Horle discloses a device comprising (Figure 1) a vacuum tube (1) operated at substantially reduced cathode temperature and electron emission, the sole path for electron communication between the control grid and the return side of the circuit being provided (Vacuum tube operated at substantially reduced cathode temperature and electron emission is true not only the prior art of Horle but also true for any prior art of vacuum tube since it is the fundamental of the vacuum tube) by the subject to be measured (At terminals 8, 9).

Regarding claim 9, Horle discloses a voltmeter comprising a vacuum tube (1), voltage amplifying circuit (Elements 12-17) develop a voltage for indication by a meter (13) (The or reads on alternative exclusive embodiments).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 5-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent No. 2,501,796 (Frommer) discloses a vacuum voltmeter with balanced input shunt diode including antenna 11, meter 6 for measuring voltage.

Applicant is respectfully reminded that references cited but not applied against the claims are considered to be of interest and should be carefully considered by the applicant.

Art Unit: 2858

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

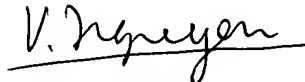
#### ***Contact Information***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Q. Nguyen whose telephone number is (571) 272-2234. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2858

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



July 1, 2005

Vincent Q. Nguyen  
Primary Examiner  
Art Unit 2858